

The Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH LOREN ALLEN,

Defendant.

CASE NO. MJ18-435

COMPLAINT for VIOLATION

18 U.S.C. § 922(g)(1)

BEFORE Chief United States Magistrate Judge Brian A. Tsuchida, United States
Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Felon in Possession of a Firearm)

On or about August 23, 2018, in the City of Federal Way, within the Western
District of Washington, JOSEPH LOREN ALLEN, having been convicted of the following
crimes punishable by imprisonment for a term exceeding one year, to wit:

- a. *Attempt to Elude and Taking a Motor Vehicle without Permission*, under
cause number 14-1-06452-3, in King County Superior Court, Washington,
on or about January 27, 2015;

- b. *Taking a Motor Vehicle without Permission and Attempt to Elude* under cause number 14-1-03231-7, in Pierce County Superior Court, Washington, on or about September 11, 2014;
- c. *Possession of Methamphetamine*, under case number 13-1-00993-7, in Pierce County Superior Court, Washington, on or about April 16, 2013;
- d. *Taking a Motor Vehicle without Permission*, under case number 10-1-03783-9, in Pierce County Superior Court, Washington, on or about October 6, 2010;
- e. *Unlawful Possession of a Firearm in the First Degree*, under case number 07-1-00821-3, in King County Superior Court, Washington, on or about August 23, 2007;
- f. *Unlawful Possession of a Firearm in the Second Degree*, under case number 04-1-11990-8, in King County Superior Court, Washington, on or about May 28, 2004;

did knowingly possess, in and affecting interstate and foreign commerce, the following firearm: a Taurus, model PT809, 9 mm caliber pistol, serial number TGR69184, which had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

The undersigned complaint, Eric Steffes, being duly sworn states:

1. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been serving in this position since September 2015. I am currently assigned to the ATF Violent Crime Task Force in Seattle, Washington. I am a commissioned law enforcement officer for the Kent Police Department, and have been since 2006. I am currently assigned as a detective with Kent PD's Special Investigations Unit (SIU). This assignment includes investigations of crimes involving narcotics, vice, stolen property, violent assaults, and gangs. I have been in this position off and on since August 2008. During my time in SIU, I was appointed to the Valley Gang Unit (VGU). This was a gang task force that focused on the Valley agencies of South King County. I served with VGU from 2011 to 2012. In addition, I

1 was a TFO with the Department of Homeland Security's Seattle based gang unit (2013-
2 2015). I have successfully completed the Basic Law Enforcement Academy (720 hours)
3 that provides instruction in narcotics identification and enforcement. I have received
4 additional training from the Washington State Criminal Justice Training Commission, the
5 Washington State Department of Corrections, the Northwest Gang Investigators
6 Association, Northwest HIDTA, and the King County Meth Action team. I have
7 participated in approximately 300 arrests involving Violations of the Uniform Controlled
8 Substance Act (VUCSA). These cases have involved the possession or trafficking of
9 marijuana, methamphetamine, heroin, cocaine, and/or prescription medication. I have
10 been involved in the execution of approximately 100 search/arrest warrants and have not
11 only obtained some of them, but also assisted in obtaining necessary intelligence for
12 them.

13 2. Prior to joining the Kent Police Department I was employed by the
14 Washington State Department of Corrections (WA DOC) for a period of four years.
15 During the time I was employed at WA DOC, I served as a Community Corrections
16 Officer and supervised approximately 125 offenders for drug-involved crimes. I ensured
17 they complied with their court-appointed conditions, many of which included drug
18 sanctions.

19 3. This affidavit is made based upon my personal knowledge, training,
20 experience and investigation, as well as upon information provided to me and my review
21 of reports prepared by other law enforcement personnel. The information outlined below
22 is provided for the limited purpose of establishing probable cause and does not contain all
23 details or all facts of which I am aware relating to this investigation.

24 **SUMMARY OF PROBABLE CAUSE**

25 4. On August 23, 2018, TFO Steffes assisted the Auburn Police Department
26 (Auburn PD) and the United States Marshal Service (USMS) with a fugitive
27 apprehension detail. During briefing, USMS Deputy Westland informed members of the
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1 detail that JOSEPH LOREN ALLEN had a WA DOC Escape warrant (#27131009937)
2 and a felony Possession of a Stolen Vehicle/ Unlawful Possession of a Firearm/ Attempt
3 to Elude warrant (KCSO #181031580). On the DOC warrant, Allen was listed as a
4 "Caution" offender. Members of the detail were informed that ALLEN was a nine-time
5 convicted felon, including prior convictions for firearm possession and robbery.

6 5. Members of the detail put themselves in surveillance positions around 4912
7 South 292 Street, in Auburn, Washington. Auburn PD had information that ALLEN was
8 staying at that residence. About 1700 hrs, ALLEN was observed leaving the residence,
9 riding a motorcycle. Members of the detail followed ALLEN to a known drug location at
10 510 A Street Southeast, in Auburn, Washington. While en route, ALLEN drove in a
11 reckless manner, darting in and out of traffic and running red lights. TFO Steffes
12 suspected ALLEN was riding in such a manner as a counter-surveillance technique.

13 6. After about an hour, TFO Steffes and members of the detail observed
14 ALLEN leave 510 A Street Southeast, now riding a new motorcycle. TFO Steffes
15 followed ALLEN to a Walmart store located at 34520 16th Avenue South, in Federal
16 Way, Washington. TFO Steffes first observed ALLEN make contact with a black male
17 wearing a white t-shirt in front of Walmart. After about a minute, ALLEN made a loop
18 and then drove to the west side of the lot, where he parked next to a blue Pontiac G6
19 bearing Washington license plate AXZ0900, which was occupied by two individuals.
20 TFO Steffes suspected ALLEN made the loop as a counter-surveillance measure.

21 7. The G6 was backed into a stall, next to a fence on the Walmart lot's western
22 border. It was parked in an unoccupied area of the Walmart lot. TFO Steffes had seen
23 hundreds of hand-to-hand drug transactions over the years and it is very common for
24 contacts of this type to be conducted in unoccupied areas of parking lots. This is done to
25 be more discrete and have a better view for counter-surveillance (specifically for law
26 enforcement).

1 8. TFO Steffes positioned himself about twenty yards from ALLEN, who got
2 off of the motorcycle and walked over to the Pontiac. ALLEN first made contact with a
3 female in the front passenger seat (later identified as B.Y.), before walking over to the
4 driver's side and making contact with the male (identified as I.R.). ALLEN left his
5 helmet on the whole time. To TFO Steffes, this action indicated that ALLEN did not plan
6 on staying there very long. TFO Steffes suspected, based on his training and experience,
7 ALLEN was conducting a hand-to-hand drug transaction.

8 9. Members of the detail moved in to apprehend ALLEN. As units moved in
9 (about 1820 hours), ALLEN started to run NB through the lot, before he jumped a fence
10 and dropped down a retaining wall (approximately 15-20 feet). ALLEN then began to
11 run WB towards Chase Bank, located at 34624 16th Avenue South.

12 10. ALLEN ran towards a Ford Expedition bearing Washington license plate
13 AUJ0629, which was parked in front of Chase Bank. S.B. was inside the Expedition
14 while his wife, P.K. was standing outside of it. ALLEN ducked to the side of the SUV
15 and told P.K. he would pay her \$1000 to get him "out of there." When P.K. refused the
16 offer, ALLEN tried to open the rear doors to the Expedition. P.K. told S.B. to lock the
17 doors to the Expedition and "drive off." She then motioned for the now present police
18 officers to come to her location. This caused the ALLEN to run off.

19 11. Auburn PD Officers Christian, Bourdage, Schultz and Nelson contacted
20 ALLEN in the Chase Bank drive thru area. ALLEN resisted arrest, causing Officer
21 Nelson to be injured. ALLEN was told to "stop fighting," yet he continued to struggle
22 and pull his right arm close to his body. Sergeant Christian observed a black pistol in
23 ALLEN's vest pocket. The officers were eventually able to roll ALLEN onto his
24 stomach and put him in handcuffs.

25 12. During the search incident to arrest, officers found a loaded 9mm Taurus
26 handgun (model PT809, 9 mm caliber pistol, serial number TGR69184) in ALLEN's
27 inside vest pocket. There were eighteen (18) total rounds of 9mm ammunition in the
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1 firearm/magazine. Officers also found about 41.4 grams of suspected methamphetamine
2 (divided into three separate bags) in ALLEN's vest. A digital scale was located on the
3 motorcycle ALLEN was riding.

4 13. Auburn PD Detective Lindgren contacted B.Y. and I.R. B.Y. denied being
5 at Walmart to purchase narcotics, but admitted she did buy drugs from ALLEN, as
6 recently as one day prior.

7 14. ALLEN was taken to the hospital to be treated for injuries resulting from
8 the arrest. He was later booked into King County Jail for *Unlawful Possession of a*
9 *Firearm in the First Degree* and *Possession of Methamphetamine with Intent to Deliver*.

10 15. Special Agent Claudia Grigore, an Interstate Nexus Expert with the Bureau
11 of Alcohol, Tobacco, Firearms and Explosives (ATF) examined photographs of the 9mm
12 Taurus pistol recovered from ALLEN's person. She determined the firearm was not
13 manufactured in the State of Washington and therefore had to have traveled in interstate
14 or foreign commerce prior to being possessed by ALLEN in the State of Washington.

15 **ALLEN'S CRIMINAL HISTORY**

16 16. A check of ALLEN's criminal history revealed he has been convicted of
17 several felonies punishable by more than one year in prison. These felony convictions
18 include the following:

19 17. On November 18, 2014, ALLEN was arrested in King County, Washington
20 for *Possession of a Stolen Vehicle and Attempt to Elude*. On January 27, 2015, in King
21 County Superior Court, Court Case Number 14-1-06452-3, ALLEN was convicted of
22 *Attempt to Elude and Taking a Motor Vehicle Without Permission* and sentenced to 22
23 months in prison.

24 18. On August 16, 2014, ALLEN was arrested in Pierce County, Washington
25 for *Possession of a Controlled Substance, Possession of Stolen Property, Attempt to*
26 *Elude and Driving with a Suspended License*. On September 11, 2014, in Pierce County
27 Superior Court, Court Case Number 14-1-03231-7, ALLEN was convicted of *Taking a*
28

1 *Motor Vehicle without Permission and Attempt to Elude* and sentenced to 20 months of
2 prison.

3 19. On March 8, 2013, ALLEN was arrested in Pierce County, Washington for
4 *Possession with Intent to Deliver Narcotics*. On April 16, 2013, in Pierce County
5 Superior Court, Court Case Number 13-1-00993-7, ALLEN was convicted of *Possession*
6 *of Methamphetamine* and sentenced to 12 months and a day of prison.

7 20. On September 2, 2010, ALLEN was arrested in Pierce County, Washington
8 for *Possession of Stolen Property and Driving with a Suspended License*. On October 6,
9 2010, in Pierce County Superior Court, Court Case Number 10-1-03783-9, ALLEN was
10 convicted of *Taking a Motor Vehicle without Permission* and sentenced to 60 days in jail.

11 21. On January 19, 2007, ALLEN was arrested in Kent, Washington, for
12 *Unlawful Possession of a Firearm*. On August 23, 2007, in King County Superior Court,
13 Court Case Number 07-1-00821-3, ALLEN was convicted of *Unlawful Possession of a*
14 *Firearm in the First Degree* and sentenced to 26 months in prison.

15 22. On March 21, 2004, ALLEN was arrested in King County, Washington for
16 *Unlawful Possession of a Firearm*. On May 28, 2004, in King County Superior Court,
17 Court Case Number 04-1-11990-8, ALLEN was convicted of *Unlawful Possession of a*
18 *Firearm in the Second Degree* and sentenced to 3 months in jail.

19 23. Therefore, ALLEN is prohibited under Title 18, United States Code,
20 Section 922(g)(1), from possessing a firearm and/or ammunition.

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22 //

CONCLUSION

24. Based on the foregoing facts, I respectfully submit there is probable cause to believe JOSEPH LOREN ALLEN has committed the crime of Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1).


ERIC STEFFES, Complainant
Task Force Officer, ATF

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit on 19th day of September, 2018.


HON. BRIAN A. TSUCHIDA
Chief United States Magistrate Judge